

Introduced by Senator Margett

February 16, 2005

An act to amend Section 1255.1 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 315, as amended, Margett. Hospitals: reduction or elimination of emergency medical services: notice.

Existing law, with certain exceptions, requires a hospital that plans to reduce or eliminate emergency medical services to notify various entities at least 90 days before it takes that action. Violation of the laws relating to health facilities is a crime.

This bill would additionally require the hospital to notify those entities and all local emergency medical services agencies within the region served by the hospital at least 90 days before a planned reduction or elimination of the level of emergency medical services or closure of the hospital. By changing the definition of a crime, this bill would impose a state-mandated local program. The bill would require the department to impose a \$10,000 civil penalty on a licensee that does not comply with the notification requirements of the bill, but would authorize the department to waive or reduce the civil penalty if the department finds ~~unusual or extraordinary circumstances that may pose a risk to the health of the local community~~ *the existence of specified circumstances*.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1255.1 of the Health and Safety Code is
2 amended to read:

3 1255.1. (a) Any hospital that provides emergency medical
4 services under Section 1255 shall, as soon as possible, but not
5 later than 90 days prior to a planned reduction or elimination of
6 the level of emergency medical services or a planned closure of
7 the hospital, provide notice of the intended change to the
8 department, the local government entity in charge of the
9 provision of health services, all local emergency medical services
10 agencies, *as described in Section 1797.200, that are* within the
11 region served by the hospital, and all health care service plans or
12 other entities under contract with the hospital to provide services
13 to enrollees of the plan or other entity.

14 (b) In addition to the notice required by subdivision (a), the
15 hospital shall, within the time limits specified in subdivision (a),
16 provide public notice of the intended change in a manner that is
17 likely to reach a significant number of residents of the
18 community serviced by that facility.

19 (c) A hospital shall not be subject to this section or Section
20 1255.2 if the department does either of the following:

21 (1) Determines that the use of resources to keep the emergency
22 center open substantially threatens the stability of the hospital as
23 a whole.

24 (2) Cites the emergency center for unsafe staffing practices.

25 (d) Upon a finding by the department that a licensee has not
26 complied with this section, the department shall impose a civil
27 penalty upon the licensee of ten-thousand dollars (\$10,000).
28 However, the department may waive or reduce the civil penalty if
29 the department finds unusual or extraordinary circumstances that
30 may pose a risk to the health of the local community *or if the*
31 *department finds any other relevant circumstances that warrant*
32 *a waiver or reduction, including circumstances related to the*
33 *financial ability of the operator to maintain the services of the*

1 *facility*. The department shall adopt regulations for the imposition
2 of this civil penalty.

3 SEC. 2. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the
8 penalty for a crime or infraction, within the meaning of Section
9 17556 of the Government Code, or changes the definition of a
10 crime within the meaning of Section 6 of Article XIII B of the
11 California Constitution.